

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

EASTOVER INSURANCE GROUP, LLC

PLAINTIFF

VS.

CIVIL ACTION NO. 3:19cv198HTW-LRA

OHIO SECURITY INSURANCE COMPANY

DEFENDANT

OHIO SECURITY INSURANCE COMPANY'S NOTICE OF REMOVAL

Defendant Ohio Security Insurance Company (“Ohio Security”), by filing this Notice of Removal and related papers, removes this lawsuit from the County Court of Rankin County, Mississippi, to this Court under 28 U.S.C. §§ 1332, 1441, and 1446.

1. Plaintiff commenced this action in the County Court of Rankin County, Mississippi, on or about February 19, 2019 (the “State Court Action”). A copy of the State Court Complaint and any other papers filed in the State Court Action are attached collectively as Exhibit 1.

2. Plaintiff seeks damages related to Ohio Security’s denial of coverage under its insurance policy issued to Plaintiff. *See* Complaint ¶¶ 29, 30, 31, 32, 33.

3. The County Court of Rankin County, Mississippi, is located within the Southern District of Mississippi. Removal to this Court satisfies the venue requirements of 28 U.S.C. § 1446(a).

4. Plaintiff is, and has been at all relevant times, a Mississippi limited liability company whose only member is Joseph Leland Speed, a resident of Madison, Mississippi. Plaintiff is a citizen and resident of the State of Mississippi. *See* Complaint ¶ 1; Mississippi Secretary of State’s 2019 LLC Annual Report (attached as Exhibit 2.)

5. Ohio Security is, and has been at all relevant times, a corporation incorporated under the laws of the State of New Hampshire with its principal place of business in the State of Massachusetts. *See Declaration of Jay Jackter* (attached as Exhibit 3.) Accordingly, Ohio Security is a citizen of New Hampshire and Massachusetts.

6. Plaintiff seeks compensatory and punitive damages, together with costs, attorneys' fees, and other relief. Plaintiff seeks coverage of its loss up to the full amount of \$25,000 allegedly covered under its insurance policy. Complaint ¶¶ 29. In addition, Plaintiff seeks punitive damages, attorney's fees and litigation expenses, and other relief "for a total judgment not to exceed \$200,000." Complaint ¶ 33. This satisfies the amount in controversy jurisdictional threshold. *See Marion v. Rent-A-Center Inc.*, No. 2:06cv19, 2007 U.S. Dist. LEXIS 43435 at *3-4 (N.D. Miss. June 12, 2007) (considering consequential damages in determining that the amount in controversy was facially apparent on the plaintiff's complaint).

7. In sum, this Court has original subject matter jurisdiction over this action based on § 1332(a) because there is complete diversity of citizenship between all parties (Plaintiff and Ohio Security), and the amount in controversy exceeds \$75,000, exclusive of costs and interest.

8. On February 20, 2019, Ohio Security was served with the summons and complaint in this case. Therefore, this Notice of Removal is timely, pursuant to 28 U.S.C. § 1446(b).

9. For the reasons set forth above, this lawsuit is properly removed to this Court.

10. The written notice required by 28 U.S.C. § 1446(d) will be promptly filed in the County Court of Rankin County, Mississippi, and promptly served on Plaintiff. This the 21st day of March, 2019.

Respectfully submitted,

PHELPS DUNBAR LLP

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Attorneys for Defendant Ohio Security Insurance
Company

CERTIFICATE OF SERVICE

I certify that on March 21, 2019, I served a copy of this document by first class mail, postage prepaid, and by email to the following counsel of record:

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/s/ James W. Shelson
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